

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

**NEIL GAIMAN, and
MARVELS AND MIRACLES, LLC,**

Plaintiffs,

v.

Case No.: 02-cv-48-bbc

**TODD MCFARLANE, TODD
MCFARLANE PRODUCTIONS, INC., TMP
INTERNATIONAL, INC., MCFARLANE
WORLDWIDE, INC., and IMAGE
COMICS, INC.,**

Defendants.

**DECLARATION OF ALLEN A. ARNTSEN IN SUPPORT OF PLAINTIFF'S MOTION
FOR ORDER DECLARING GAIMAN'S INTEREST IN DERIVATIVE CHARACTERS
FOR PURPOSES OF ACCOUNTING PROFITS**

I, Allen A. Arntsen, declare as follows:

1. I am a partner with the law firm of Foley & Lardner LLP. I am one of the counsel of record for plaintiff Neil Gaiman. I have personal knowledge of the facts set forth herein.
2. Attached as **Exhibit A** is a true and correct copy of the picture and description of the *Medieval Spawn* character contained in defendants' publication *The Spawn Bible*, which was produced by defendants during discovery in this action.
3. Attached as **Exhibit B** is a true and correct copy of a page from the McFarlane Defendants' internet website, www.spawn.com, describing the plot of *Spawn The Dark Ages* Issue 1, which contains a description of the character referred to in this litigation as *Dark Ages Spawn*.

4. Attached as **Exhibit C** is a true and correct copy of *Spawn* Issue 9, one of the works jointly owned by plaintiff Neil Gaiman pursuant to the Second Amended Judgment entered by this Court.

5. Attached as **Exhibit D** is a true and correct copy of a page from the McFarlane Defendants' internet website, www.spawn.com, describing the plot of *Spawn The Dark Ages* Issue 3.

6. Attached as **Exhibit E** is a true and correct copy of page 2-263 from the transcript of the jury trial in this action.

7. Attached as **Exhibit F** is a true and correct black and white copy of *Angela* Issue 1, one of the works jointly owned by plaintiff Neil Gaiman pursuant to the Second Amended Judgment entered by this Court.

8. Attached as **Exhibit G** is a true and correct black and white copy of *Angela* Issue 2, one of the works jointly owned by plaintiff Neil Gaiman pursuant to the Second Amended Judgment entered by this Court.

9. Attached as **Exhibit H** is a true and correct black and white copy of *Angela* Issue 3, one of the works jointly owned by plaintiff Neil Gaiman pursuant to the Second Amended Judgment entered by this Court.

10. Attached as **Exhibit I** is a true and correct copy of the picture and description of the *Angela* character from *The Spawn Bible*, which was produced by defendants during discovery in this action.

11. Attached as **Exhibit J** is a true and correct copy of the picture and description of the *Tiffany* character from *The Spawn Bible*, which was produced by defendants during discovery in this action.

12. Attached as **Exhibit K** is a true and correct copy of a description of the *Domina* character from the McFarlane Defendants' internet website, www.spawn.com.

13. Attached as **Exhibit L** is a true and correct copy of a picture of the *Domina* character action figure from the McFarlane Defendants' internet website, www.spawn.com.

14. Attached as **Exhibit M** is a true and correct copy of two pages from the first issue of the *Spawn The Dark Ages* comic book series.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated this 30th day of March, 2010

s/Allen A. Arntsen
Allen A. Arntsen
Foley & Lardner LLP